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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MARSHALL SILVERSTEIN and KATHY
12 MAHER,
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14 vs.
15 WACHOVIA MORTGAGE
16 CORPORATION,
17
18 Defendant.

CASE NO. 09cv2938 JM(AJB)
ORDER DENYING MOTION TO
DISMISS AS MOOT

17 In light of the filing of the operative amended complaint on February 12, 2010, the Clerk of
18 Court is instructed to deny Defendant's motion to dismiss (Docket No. 5) as moot.

19 **IT IS SO ORDERED.**

20 DATED: February 23, 2010

21 
22 Hon. Jeffrey T. Miller
United States District Judge

23 cc: All parties
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